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Third Review Conference of the States Parties to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction

3 April 2014

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Second Preparatory Meeting
Geneva, 10 April 2014
Item 7 of the provisional agenda
Exchange of views on a political declaration to be adopted at the Third Review Conference

Draft Declaration of the States Parties to the Convention on the prohibition of the use, stockpiling, production and transfer of anti-personnel mines and on their destruction

Submitted by the President-Designate of the Third Review Conference

Fifteen years have passed since we first gathered

1. Fifteen years have passed since the international community first gathered in Maputo to begin the historic effort to fulfil the promise made by the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction. Both proud of our accomplishments and mindful of what work remains, we have returned to this once mine-ravaged country, committed to complete the task of ending the suffering and casualties caused by anti-personnel mines, for all people for all time.

2. In the 1990s the world was faced with a global humanitarian crisis. Landmines were claiming thousands of lives and limbs every month, prolonging conflict and insecurity, hindering refugee return, and impeding development. In response, states, civil society and international organizations came together in a unique partnership to ban anti-personnel landmines and to end this crisis. This unprecedented process, initiated by non-governmental organizations and the International Committee of the Red Cross, and involving mine-affected and other States from all regions of the world, resulted in the adoption of the Convention. For the first time, a conventional weapon in widespread use was banned and the needs of victims of the weapon in question were taken into account.

Tremendous progress has been made, but more needs to be done

3. In May of 1999, there were but 45 parties to the Convention and Mozambique was only one of 18 States in Africa that had committed to this movement. There are now 161 States that are bound by this Convention and there is virtually universal acceptance of the

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Convention in Africa. It is now well understood by both world leaders and ordinary people everywhere that mine use is an unacceptable behaviour in the modern world. However, the ongoing use of anti-personnel mines by a small number of actors is a matter of deep concern. As well, over 30 States still remain outside of the Convention and have yet to renounce the weapon and formally join our cause. For these reasons, we will not tire from continuing to promote observance of this norm.

4. When we first gathered in Maputo, the clearance of all mined areas was a distant prospect and perhaps, to some, unachievable. Today, almost 30 States have completed this effort. Our successes to date give hope to the almost equal number of States that are still in the process of freeing land from its deadly bondage. We remain deeply concerned, however, that emplaced mines still continue to cause death and suffering in many countries around the world and we remain acutely aware that our efforts to demine must be carried out in the most efficient and expedient manner. As women, girls, boys and men remain at risk, we will continue to proceed apace to achieve our goal.

5. While much time has since passed since we first gathered in Maputo, our solemn promise to mine victims has remained foremost in our minds. Unlike the destruction of emplaced or stockpiled mines, efforts to fulfil this promise must continue for years. In Maputo in 1999 the international community first expressed that a comprehensive approach to victim assistance is required with our efforts being part of broader approaches to health care, rehabilitation, human rights and other domains. While the Convention has made a difference, we are very much aware that our promise to mine victims has not yet been fulfilled. Moving forward, acting on our awareness that do not exist in a world unto itself will help ensure further progress towards our ultimate aim of the full and effective participation of mine victims in their societies on an equal basis to others.

Fuelled by partnerships, the Convention has become the benchmark for multilateralism working the way it should

6. In Maputo in 1999, we established the Convention as the international community's framework for mine action and created innovative mechanisms to address circumstances specific to that time. Moreover, international humanitarian law protecting civilians in conflict has been significantly strengthened through the force of the Convention. Returning to where international efforts to implement to the Convention all began, we are committed to maintain the vitality of the Convention. We embrace the opportunity to change in order to meet the challenges of this day and to adapt to address challenges yet unimagined. The Convention has become the benchmark for multilateralism working the way it should and our ability to innovate will ensure that this remains the case in the years ahead.

7. The Convention itself and what has been achieved in its application are the combined result of national ownership and international cooperation. As sovereign States, we are well aware that, individually, we are responsible for compliance with, and the implementation of, the Convention in all areas under our jurisdiction or control. As a community of States which have made this commitment, we are equally well aware that ending the suffering and casualties cause by anti-personnel mines can only be achieved through partnerships, including those between affected and other States, international organisations and civil society. Fifteen years after our first high-level gathering in Maputo, it is clearer than ever that a spirit of cooperation must prevail to overcome remaining challenges.

We are committed to comply and complete

8. The sense of optimism prevalent in Maputo in 1999 has been matched by the reality that ending the era of anti-personnel mines is indeed possible. We aspire to do this within a decade, with our ambition being to maintain strict observance of the Convention's norms, to complete implementation of our time-bound obligations by 2025, to ensure that by that time there are no new mine victims in areas under their jurisdiction or control, and to see that survivors participate in their societies on an equal basis with others. Having returned to one of the birthplaces of the anti-landmines movement, we are committed realise this ambition, with our efforts during the period 2014 to 2019 guided by the Maputo Action Plan.:

- We will fulfil our obligations to destroy all stockpiled anti-personnel mines and clear all mined areas as soon as possible, mindful that the Convention implies that partnerships shall be central for completion of these tasks.
- We will ensure compliance with the Convention's comprehensive prohibitions on the use, stockpiling, production and transfer of anti-personnel mines, working together in a renewed spirit of cooperation to facilitate compliance by one another with our obligations under this Convention.
- We will condemn the use of anti-personnel mines by any actor, including by armed non-state actors, we will work to prevent any future use, and we will appeal to the world to join us in this movement.
- We will make further advancements towards the fulfilment of the aim of the full and effective participation of mine victims in their societies on an equal basis to others.
- We will ensure that our efforts involve young and old, women and men, girls and boys, and reflect their views. The dignity and well-being of survivors, their families and communities will be at the core of our efforts.
- We will strengthen national ownership, enhance cooperation, and establish partnerships for completion.
- We commit to stay focused and spare no efforts until the main object and purpose of the Convention are fully materialised.
- We will succeed in putting an end to the suffering and casualties caused by anti-personnel mines.

Third Review Conference of the States Parties to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction

3 April 2014

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Second Preparatory Meeting
Geneva, 10 April 2014
Item 6 of the provisional agenda
Exchange of views on proposed post-Third Review Conference machinery and meetings

Proposal for a meeting programme and related implementation machinery, 2014-2019

Submitted by the President-Designate of the Third Review Conference

Introduction

1. A meeting programme and related implementation machinery are simply means to an end with that being an end to the suffering and casualties caused by anti-personnel mines through the fulfilment of obligations by individual States. By the time of the 2014 Third Review Conference, it will be over fifteen years since the Convention entered into force. It is therefore timely to reflect upon the evolution of the States Parties' meeting programme and related machinery, the volume and type of work that remains at the national level to implement the Convention, and how multilateral processes – be they informal or formal with their different comparative advantages – may further support the implementation process.

2. There are virtually no legal constraints to adapting a meeting programme and related machinery to the realities of the Convention at a particular point in time in the life of the Convention. In fact, the States Parties have shown great flexibility to date, frequently making adjustments to the intersessional work programme and formal meetings to adapt to lessons learned and the evolving nature of implementation.[1] Some of the States Parties' innovations with respect to meetings and implementation machinery have been replicated in other disarmament *fora*.

3. Returning to Maputo, fifteen years after the first decisions on the Convention's implementation machinery were taken, the States Parties have the opportunity to continue to be innovative. Doing so will ensure the vibrancy of the Convention in overcoming remaining challenges. On the basis of what the States Parties have learned from fifteen

[1] The only real constraints are that only Review Conferences, not Meetings of the States Parties, are mandated "to consider the need for and interval between further Meetings of the States Parties" and that the interval between Review Conferences "shall in no case be less than five years."

years of implementation history combined with what is known about present day challenges, taking into account a need for a high degree of efficiency and cost-effectiveness in all aspects of the work on the Convention, and based upon the debate that took place at the 6 December 2013 First Preparatory Meeting, it is proposed that the States Parties replace the current meeting structure and related machinery with the following:

(a) A committee on Article 5 implementation

(b) A committee on cooperative compliance

(c) A special envoy of the States Parties on victim assistance, supported by an experts' forum on victim assistance.

(d) Two coordinators on the enhancement of cooperation and assistance

(e) A mandate to the President, in consultation with the Coordinating Committee, to take the lead on matters as they arise or as opportunities emerge on other areas not covered by the above-mentioned structures

(f) A coordinating committee made upon the principals involved in the above-mentioned structure

(g) Meetings of the States Parties and intersessional meetings that would be organized in such a way as to promote maximum efficiency and results, with intersessional meetings being be short and focused on preparations for Meetings of the States Parties and Review Conferences.

4. It is proposed that the above-mentioned mechanisms be established with a view to improving the management of the work of the Convention in a highly cooperative manner, that these mechanisms do not have decision making authority, which clearly rests with all States Parties at Meetings of the States Parties and Review Conferences, that those selected to the positions of responsibility will be accountable to the States Parties including by keeping the States Parties apprised of their activities, and that there will be no additional cost to the States Parties for the functioning of these mechanisms.

The Committee on Article 5 implementation

5. The number of States Parties in the process of implementing Article 5 has declined steadily since 2006, from a high of 50, but remains considerable, with 32 States Parties at the end of 2013 indicating that they were still in the process of implementing Article 5 and with each of these having committed to complete implementation within ten years. Looking beyond 2014, the number of States Parties in the process of implementing Article 5 will remain significant in the short term and the submission of requests for mine clearance deadlines would remain a regular feature of the work of the Convention until the next Review Conference.

6. While most of the States Parties implementing Article 5 have regularly provided updates on implementation during meetings of the Standing Committees, the quality of the information provided has been mixed. The States Parties have committed to "identify, if they have not yet done so, the precise perimeters and locations, to the extent possible, of all areas under their jurisdiction or control in which anti-personnel mines are known or are suspected to be placed (and) report this information as required under Article 7."[2] Many States Parties implementing Article 5, in spite of all reasonable efforts, still do not possess this information, years after entry into force, or are not reporting it either in formal Article 7

[2] Cartagena Action Plan, action #14.

submissions or during the Convention's meetings. This implementation challenge is something that efforts at the national and the multilateral levels have yet to overcome.

7. Improving upon the low quality or absence of information on "the location of all mined areas that contain, or are suspected to contain, anti-personnel mines" and on the "status of programmes for the destruction (of these mines)" is crucial for the following reasons:

(a) The "location" of mined areas (i.e., the specific geographic location and boundaries of these areas and the total number of areas and amount of area) is the unit that best represents the totality of the challenge faced by a State Party that must fulfil Article 5 obligations and, hence, the unit best used to measure progress.

(b) If a State Party is unable to express how many areas, amounting to what total area, are known and are suspected to contain anti-personnel mines, it calls into question its ability to establish a credible plan to implement Article 5 and potentially undermines its ability to mobilise resources. That is, if it does not know where / how many mined areas there are under its jurisdiction or control and the quality of these areas, how can it effectively deploy the right clearance and / or survey assets?

8. As recorded in the analyses of requests submitted under Article 5 of the Convention, States Parties have encountered a variety of challenges in reporting on "the location of all mined areas that contain, or are suspected to contain, anti-personnel mines." A non-exhaustive list of these challenges includes landmine impact surveys having grossly overestimated the area known or suspected to contain mines, ambiguous land classification systems, the ongoing use by armed non-State actors of devices with anti-personnel mine characteristics, and initial survey efforts having been carried out on the basis of misconceptions and by inadequately qualified staff. In addition, the long-running effort to enhance and deploy information management assets does not seem to have led to improvements in States Parties being able to provide information on "the location of all mined areas that contain, or are suspected to contain, anti-personnel mines," as evidenced both by the absence of complete reporting on this matter in annual formal information submissions and through Article 5 extension requests in which many States Parties – a decade or more after entry into force – do not know what remains to be done.

9. Perhaps because of insufficient feedback provided in response to information provided, information provided in Article 7 reports and at the Convention's meetings has persisted in being of a poor quality. There is a feedback loop of sorts when States Parties must submit information in the context of an Article 5 extension request and, perhaps as a result, information in requests is generally of a high quality. However, there is no feedback loop on an ongoing basis which would help raise the quality of information provided, enable the States Parties at an early stage to identify looming Article 5 issues, and effectively monitor implementation of the Convention.

10. Also concerning the Article 5 processes, the States Parties took decisions in 2006 to mandate a group of States Parties to analyse requests for extended mine clearance deadlines. However, exercising ownership is a challenge for many which take on the role of serving as a Co-Chair and hence become members of the Article 5 analysing group. As well, it is clear that for many, their interest lies in their Co-Charing duties and not the additional mandate that was given to Co-Chairs in 2006 to jointly produce analyses of requests.

11. When requests for extended deadlines have been granted, States Parties have been asked to report on efforts to implement Article 5 in accordance with commitments made in requests and with specific decisions on their requests. The States Parties, however, have put little emphasis on ensuring an ongoing cooperative dialogue with States Parties implementing Article 5 once requests have been granted.

12. To intensify efforts, including those contained in the Maputo Action Plan, to ensure that Article 5 is fully implemented as soon as possible, while acknowledging local, national and regional circumstances in its practical implementation (a) by giving serious consideration of, and feedback to those providing, information on "the location of all mined areas that contain, or are suspected to contain, anti-personnel mines" and on programmes leading to Article 5 completion (and the results of these programmes), including reasonable efforts conducted by States Parties to that end, (b) by ensuring, as agreed to at the Twelfth Meeting of the States Parties, that "a cooperative engagement of Article 5 implementing States Parties continues after requests have been granted", and (c) by establishing a mechanism of actors who are exclusively focused on Article 5 implementation, it is proposed that the Committee on Article 5 Implementation be established, with the mandate to carry out the following:

(a) To review relevant information on Article 5 implementation that is submitted, including in the context of Article 7 obligations and on efforts undertaken in the Article 6, seeking clarity when required, providing advice and support in a cooperative manner to States Parties in the fulfilment of their obligations to report on Article 5 implementation, drawing observations and presenting preliminary observations at intersessional meetings and final annual conclusions and recommendations at Meetings of the States Parties/Review Conferences.

(b) To prepare and submit to the States Parties in advance of Meetings of the States Parties/Review Conferences.an analysis of each request for an extended deadline submitted under Article 5 of the Convention, taking into account, as relevant, the decisions on the analysis process as agreed to by the Seventh and the Twelfth Meetings of the States Parties.

(c) To ensure that a cooperative engagement of Article 5 implementing States Parties continues after requests have been granted by engaging relevant States Parties on implementation relative to commitments contained in requests and decisions on their requests and by presenting preliminary observations at informal meetings and conclusions and recommendations at Meetings of the States Parties/Review Conferences.

(d) To be transparent and accountable, including by reporting on activities at both informal and formal meetings.

13. During intersessional and Meetings of the States Parties/Review Conferences, States Parties implementing Article 5 would no longer be invited to deliver lengthy updates on implementation (as logically all necessary information should be contained in their annual Article 7 reports and could be summarized an information document prepared by the committee). During formal meetings, States Parties implementing Article 5 would have a chance to update and complement information provided in Article 7 reports, especially in regards to progress in meeting benchmarks contained in extension requests and acting pursuant to decisions of previous formal meetings. As well, other delegations would have an opportunity to comment on and respond to updates.

14. The Committee on Article 5 Implementation would be composed of a representative group of four States Parties serving overlapping two-year terms. The committee each year would select a chair which would be one of the States Parties serving the second year of its two-year term. The Chair would be responsible for convening meetings, issuing communications on behalf of the committee and directing the Implementation Support Unit to assist the work of the committee. The Committee could draw from the working methods established in 2008 by the Article 5 Analysing Group, including by placing a heavy emphasis on cooperation with States Parties implementing which are in the process of implementing Article 5 and by drawing upon expert input as required. In addition, the

Committee membership should feature the participation of States which are either in the process of implementing Article 5 or which have completed implementation of Article 5.

The Committee on cooperative compliance

15. Unfortunately, it is a fact that failures to comply with the Convention's prohibitions may occur and already some States Parties have faced unforeseen challenges to ensuring compliance in areas under the jurisdiction or control. In accepting these realities, the States Parties also realise that the success of the Convention will be measured in terms of how they respond.

16. The current method of dealing with concerns about compliance needs to be made more consultative and cooperative. It also sees concerned States Parties put on the defensive when allegations are raised. While concerns about compliance must be taken seriously, they also must be dealt with in keeping with the Convention's unique spirit of cooperation.

17. In keeping with the commitment of the States Parties under Article 8.1 "to consult and cooperate with each other regarding the implementation of the provisions of this Convention, and to work together in a spirit of cooperation to facilitate compliance by States Parties with their obligations under this Convention," ways and means could be found for concerns about compliance with the Convention's prohibitions to be dealt with in a more cooperative manner and one that is more supportive of the Convention continuing to be a model of multilateralism working the way it should.

18. While paragraphs 2 through 20 of Article 8 of the Convention provide specific procedures related to questions relating to compliance, the States Parties see value in cooperative and cooperative approaches with a view, ideally, to ever having to feel the need to resort to the use of these procedures.

19. Mindful of the commitment of States Parties under Article 8.1 and committed to facilitate compliance in a cooperative, supportive and respective manner, it is proposed that the Committee on Cooperative Compliance be established, with the mandate to carry out the following:

(a) To objectively and informally consider whether a concern about compliance with the Convention's prohibitions contained in paragraph 1 of Article 1 of the Convention is potentially credible and, if so, to consider any follow-up that might be appropriate for States Parties to better understand the situation.

(b) When appropriate, to follow-up on these concerns, engaging relevant States Parties, in close consultation with the State Party concerned, to clarify the situation, and, if a credible concern is apparent, making suggestions on steps that the State Party concerned could take to ensure that the Convention remains strong and effective.

(c) For cases where a credible concern is apparent, to present preliminary observations at intersessional meetings and conclusions and recommendations at Meetings of the States Parties/Review Conferences.

(d) To be transparent and accountable, including by reporting on activities at both intersessional and Meetings of the States Parties/Review Conferences.

20. The Committee on Cooperative Compliance would be composed of the President, who would chair the committee, and a representative group of four States Parties serving overlapping two-year terms as committee members. The Chair would be responsible for convening meetings, issuing communications on behalf of the committee and directing the Implementation Support Unit to assist the work of the committee.

21. As has been the case with all other mechanisms established by the States Parties since entry into force, the Committee on Cooperative Compliance would be established with a view to improving the management of the work of the Convention in a highly cooperative manner and clearly would not supersede or amend the provisions of Article 8. This committee's status and prerogatives would be identical to that of other elements of the Convention's machinery and would therefore have no decision-making capacity, which rests solely with the States Parties.

Special envoy of the States Parties and an experts' forum on assistance to landmine victims

22. The Convention's meetings have been important in terms of highlighting the solemn process the States Parties have made to mine victims. However, the States Parties have not identified what and how much the expected contribution of the Convention to the goal of victim assistance. The mission of victim assistance is the full and effective participation of landmine and other explosive remnants of war victims in society on an equal basis to others. The Convention alone cannot achieve this. In Geneva, the Convention is placed in a disarmament box. Yet, much of the effort to fulfil the Convention's promise to mine victims concerns domains such as health care, disability and human rights, development, poverty reduction, and employment.

23. Discussions on victim assistance in the context of the Convention have been and will remain important. Fifteen years of deliberations to date have produced a solid foundation of understandings regarding how the international community has come to define "victim" and "victim assistance", the importance of integrating victim assistance into broader frameworks, and the imperative pursue victim assistance in a non-discriminatory manner. The States Parties have benefited from their meetings and other activities being inclusive of mine victims as well as health, rehabilitation, social services, education, employment, gender and disability rights experts.

24. The States Parties can build upon the solid foundation they have constructed as concerns victim assistance by balancing (a) ongoing discussions on pertinent aspects of victim assistance within the framework of the Convention itself with (b) taking the discussion on meeting the needs and guaranteeing the rights of mine victims to the arenas where relevant and related issues are debated. This includes forums such as meetings of the Committee on the Rights of Persons with Disabilities, the annual meetings of the parties to the Convention on the Rights of Persons with Disabilities and other relevant human rights gatherings, the World Health Assembly and other relevant events organized or supported by the World Health Organization, the International Labour Conference and other relevant events organized and supported by the International Labour Organization, relevant events convened by or under the auspices of regional organizations, et cetera.

25. As balancing the need for ongoing dialogue on victim assistance within the Convention itself with the need to ensure that the States Parties' imperative to support mine victims remains the imperative of other actors who operate in other domains means working in a different way following the Third Review Conference, it is proposed that the States Parties appoint a special envoy of the states parties on assistance to landmine victims, supported by an experts' forum on victim assistance.

26. The mandate of the special envoy of the states parties on assistance to landmine victims would be to carry out the following:

(a) Drawing from the breadth of understandings[3] agreed to by the States Parties on victim assistance, the special envoy would raise awareness of the importance of addressing the needs and guaranteeing the rights of mine victims in broader domains such as health care, disability and human rights, development, poverty reduction, and employment, including by representing the agreed views of the States Parties in relevant multilateral and regional meetings and conferences as possible. (Example: The special envoy could address meetings of the Committee on the Rights of Persons with Disabilities and the Convention on the Rights of Persons with Disabilities, or thematic discussions on disability in the Human Rights Council, highlighting that the rights of landmine survivors need to be taken into account in their work. The special envoy could address the World Health Assembly and relevant ILO meetings, similarly noting the relevance of the Convention's promise to mine victims to the work undertaken in these arenas.)

(b) The Special Envoy would support States Parties that are responsible for the wellbeing of significant numbers of mine victims in their national efforts to integrate victim assistance into broader national policies, plans and legal frameworks related to disability, health, education, employment development and poverty reduction, by assisting these States Parties in making their needs known to other delegations and in highlighting their progress and achievements. (Example: The special envoy, subject to the interest of affected States Parties, could convene a dialogue between these State Parties and other delegations in order to condition delegations to the particular challenges faced on the ground and to engage in a discussion on how to overcome them.)

(c) The Special Envoy would chair the experts' forum on victim assistance.

(d) The Special Envoy would present a preliminary report on her or his activities, including the activities of the experts' forum on victim assistance, at informal meetings as well as to use informal meetings, when relevant, as a forum addressing specific topics concerning victim assistance. The special envoy would present final report on activities, including the activities of the experts forum on victim assistance, as well as conclusions and recommendations if relevant, at annual formal meetings.

27. The purpose of the experts' forum on victim assistance would be as follows:

(a) The Forum would provide an arena that would permit relevant experts from States Parties, supported by landmine survivors, the International Campaign to Ban Landmines, International Committee of the Red Cross and other international and non-governmental organizations, to contribute to the ongoing advancement of understanding and implementation of the Convention's victim assistance provisions. It would have an open-ended membership.

(b) The forum would pay special regard to the application of the victim assistance aspects of the Maputo Action Plan, including by assisting individual States Parties in providing information in accordance with Maputo Action Plan commitments.

(c) The forum would assist the special envoy in identifying opportunities for the special envoy, individual States Parties or international and non-governmental organizations raising awareness of the importance of addressing the needs and guaranteeing the rights of mine victims in broader domains.

[3] These understandings are contained in the formal documents agreed to by the States Parties at Meetings of the States Parties and Review Conference, for example, in the victim assistance sections of the Cartagena "review" document and the Cartagena Action Plan.

(d) The Forum could convene workshops or other events on ways and means to enhance efforts to ensure the well-being of mine victims and to expand understanding of victim assistance in the context of the Convention.

28. The special envoy of the States Parties on assistance to landmine victims would be chosen for a two year term. The special envoy could be a Geneva-based Ambassador or another distinguished representative of a State Party. There is a great deal of expertise and experience in Geneva and elsewhere in both the world of anti-personnel mines and in other relevant domains (e.g., health care, labour, human rights). As with other proposed mechanisms, there need not be any financial cost associated with the creation of the post of special envoy, particularly given that the main opportunities to represent the States Parties' views on victim assistance are within Geneva-based forums.

Coordinators on the enhancement of cooperation and assistance

29. The Second Review Conference placed a heavy emphasis on cooperation and assistance with the result of this in part having been the establishment of a new standing committee. There has been no shortage of interest on the part of delegations making use of meeting time dedicated to cooperation and assistance. It is important to ask, though, what all this participation in meeting discussions on cooperation and assistance is accomplishing or leading to. In addition, expectations for this standing committee remain mixed and numerous and it is unclear whether it is the right vehicle to meet all expectations.

30. The States Parties have reaffirmed that ending the suffering and casualties caused by anti-personnel mines is a shared commitment and to be realised, among other means, by the full implementation of Article 6 of the Convention. Taking into account the importance that the States Parties attach to cooperation and assistance in mine action, and with a view to providing for flexibility to achieve a variety of aims and aspirations concerning this matter, its is proposed that the States Parties appoint two coordinators on the enhancement of cooperation and assistance with the mandate to carry out the following:

(a) To promote cooperation and assistance under the Convention, including by convening, as appropriate, informal discussions on various relevant topics including on assistance and cooperation as concerns meeting the needs of mine victims and guaranteeing their rights, and by organizing or encouraging the organization of, as appropriate, multilateral, regional or national dialogues on cooperation and assistance, in Geneva or elsewhere.

(b) Facilitate the fostering of partnerships between States Parties seeking to receive assistance and those in a position to provide it, including through the use of information exchange tools (e.g., "platform for partnerships"),

(c) To coordinate with other mechanisms established by the States Parties, and, in doing so, further emphasising that it is through enhanced cooperation has a central relationship to fulfilling the Convention's mine clearance, victim assistance and other aims, and to ensuring compliance with the Convention.

(d) To present a preliminary report on activities at informal meetings as well as to use informal meetings, when relevant, as a forum addressing specific topics concerning cooperation and assistance.

(e) To present final report on activities, as well as conclusions and recommendations if relevant, at annual formal meetings.

31. With a view to ensuring continuity, the two coordinators would be elected for overlapping two-year terms. Ideally, one Coordinator should represent an affected State Party and the other a provider of support or assistance.

The role of the President of Meetings of the States Parties/Review Conferences

32. In addition to chairing the committee on cooperative compliance, it is proposed that the President be mandated to do the following:

(a) Taking the lead, in consultation with the coordinating committee, with respect to any other issue related to the pursuit of the Convention's aims other than those related to the mandates of the above-mentioned committees, special representative and coordinators, including matters related to stockpiled anti-personnel mines and transparency regarding the exceptions contained in Article 3 of the Convention, with activities including convening small and large group discussions as required and bringing pertinent matters to the attention of all delegations.

(b) Promoting the implementation and universalization of the Convention at its norms, including in relevant multilateral and regional forums, as well as at the national level,

(c) Leading efforts to mobilise sufficient resources to fund the operations of the Implementation Support Unit,

(d) Chairing the coordinating committee,

(e) Chairing intersessional meetings,

(f) Promoting coordination amongst all structures established by the States Parties,

(g) Proposing a set of new office holders, with a view to these being agreed to at formal meetings and with the over set of proposed office holders to be regional balanced and balanced between States Parties in the process of implementing key obligations of the Convention, those in a position to provide financial or other assistance, and other States Parties.

(h) Presenting a preliminary report on activities at intersessional meetings as well as to use informal meetings, when relevant, as a forum addressing specific topics of interest,

(i) Presenting a final report on activities, as well as conclusions and recommendations if relevant, at annual formal meetings.

The role and composition of the coordinating committee

33. It is proposed that the coordinating committee remain a coordinating body, not a substantive decision-making body, and that it essentially retain its mandate, with that being to coordinate the work flowing from and related to upcoming formal meetings of the States Parties as well as any intersessional work which may be deemed relevant in any particular year.

34. The coordinating committee would also retain its responsibilities related to Implementation Support Unit accountability as agreed to at the Tenth Meeting of the States Parties.

35. If the coordinating committee deemed it relevant, particular issues or topics could be placed on the agenda for discussion by all delegations during informal meetings. Issues or topics should not be generated simply to fill up meeting time. Rather, informal meeting time should only be scheduled for use if it was seen as the relevant vehicle to overcome challenges or advance the implementation process.

36. The coordinating committee would be composed of the President, the members of the committee on Article 5 implementation and the committee on cooperative compliance, the special envoy of the States Parties on assistance to landmine victims, the coordinators on the enhancement of cooperation and assistance and the President-Designate. In keeping with past practice, the coordinating committee may call upon others to assist with its work as appropriate, taking in note the historic participation in the work of the coordinating committee by various actors.

The purpose of intersessional meetings

37. Intersessional meetings (be they informal and/or formal) should be held sometime in May or June each year, i.e., after the 30 April deadline for submitting transparency information covering the previous calendar year. These meetings need not be more than two days long, permitting them to be scheduled during the same week as the meetings of related Conventions or activities.

38. Intersessional meetings could comprise a thematic segment and a preparatory segment:

(a) The thematic segment could serve to provide for an interactive discussion on current questions and challenges as need. Rather than having a standing agenda, the agenda would be determine each year by the Coordinating Committee, with this agenda including, as relevant, follow-up on matters flowing from Meetings of the States Parties/Review Conferences.

(b) The preparatory segment would mainly serve as a forum for the various office-holders of the Convention to report on their activities and present preliminary observations, as needed, and for States Parties to discuss these activities and observations as well as matters pertaining to extensions of mine clearance deadlines. More specifically, the preparatory segment would provide a venue to address the following items, although not all would necessarily have to be considered at each intersessional meeting:

(i) Permit the committee on Article 5 implementation to report on activities and to present preliminary observations, and to provide a venue, as relevant, to discuss challenges faced in the implementation of Article 5 and ways and means to overcome these challenges,

(ii) Receive brief presentations from States Parties, which, by that point in time in any particular year, would have submitted requests for extended mine clearance deadlines and to permit interested delegations to seek further clarity or share initial views with respect to these requests,

(iii) Permit the committee on cooperative compliance to report on activities and to present preliminary observations, and to provide a venue, as relevant, to discuss challenges faced in ensuring compliance with the Convention and ways and means to overcome these challenges,

(iv) Permit the special envoy of the states parties on assistance to landmine victims to report his or her activities and the activities of the experts' forum on victim assistance, and present preliminary observations, and to provide a venue, as relevant, to discuss challenges faced in assisting mine victims and ways and means to overcome these challenges,

(v) Permit the coordinators on the enhancement of cooperation and assistance to report on activities and present preliminary observations, and to provide a venue, as relevant, to discuss ways and means to enhance cooperation and assistance,

(vi) Permit the President to provide an update on activities,

(vii) Permit the President-Designate to present a draft programme for the next Meeting of the States Parties, and

(viii) Allow for an update on Implementation Support Unit finances and activities in accordance with the 2010 directive of the States Parties to the Implementation Support Unit.

39. States Parties may wish to consider the pros and cons, including the costs, of informal intersessional meeting time, formal intersessional meeting time, or a combination.

40. States Parties, on a voluntary basis, may wish to convene and cover the costs of other thematic, regional or other events that support the implementation process.

The purpose of Meetings of the States Parties

41. Beginning in 2015, Meetings of the States Parties should be convened at the end of November or beginning of December each year until the end of 2018, with the meeting structure and related implementation machinery to be reviewed at a Fourth Review Conference at the end of 2019. In keeping with the mandate for Meetings of the States Parties "to consider any matter with regard to the application or implementation of this Convention," these Meetings of the States Parties could inter alia consider:

(a) Final conclusions and recommendations of the committee on Article 5 implementation,

(b) Requests for extended mine clearance deadlines,

(c) If relevant, final conclusions and recommendations of the committee on cooperative compliance,

(d) Final conclusions and recommendations of the special envoy of the states parties on assistance to landmine victims,

(e) Final conclusions and recommendations of the coordinators on the enhancement of cooperation and assistance,

(f) Any other relevant matter,

(g) The Implementation Support Unit report, audited statement and work plan/budget, pursuant to the 2010 directive of the States Parties to the Implementation Support Unit.

42. Meetings of the States Parties would continue to be an arena where States Parties with obligations under the Convention report on their progress in their implementation of these, and other States Parties as well as other Convention actors, including the United Nations, the International Committee of the Red Cross and the International Campaign to Ban Landmines, have an opportunity to comment on and respond to these reports.

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Third Review Conference of the States Parties to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction

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Exchange of views on the draft Maputo Action Plan

Draft
Maputo Action Plan

Submitted by the President-Designate of the Third Review Conference

Introduction

1. The States Parties, as at the time of the Maputo Review Conference, in reaffirming their unqualified commitment to ending the suffering and casualties caused by anti-personnel mines for all people for all time, aspire to end of the era of anti-personnel mines within a decade. These States Parties strive to: maintain strict observance of the Convention's norms, complete implementation of their respective time-bound obligations under the Convention by 2025, ensure no new mine victims in areas under their jurisdiction or control, and see that survivors participate in their societies on an equal basis to others.

2. The Maputo Action Plan aims for significant and sustainable progress towards the achievement of this ambition during the period 2014 to 2019, building on the achievements made under the Nairobi and Cartagena Action Plans, while acknowledging local, national and regional circumstances in its practical implementation. The States Parties will implement the Maputo Action Plan in a cooperative, inclusive, age-appropriate and gender sensitive manner and, in doing so, endeavour for a high degree of coherence, coordination and cost effectiveness. In addition, they will continue to recognise the special partnerships in the universalization and implementation of the Convention with the United Nations, the International Committee of the Red Cross and the International Campaign to Ban Landmines.

I. Universalization

3. While recognising the tremendous progress achieved in pursuit of the universal acceptance of the Convention and its norms, the States Parties during the period 2014 to 2019 seek to increase support for the Convention as the international community's comprehensive approach to ending the suffering and casualties caused by anti-personnel mines, committing to the following:

Action 1: The States Parties will promote formal adherence to the Convention by States not party to the Convention, regularly inviting them to participate in the Convention's meetings, and informing States Parties of practical steps they have taken such as formalised political commitments to not use, produce or transfer anti-personnel mines and to destroy stockpiles.

Action 2: The States Parties will continue promoting observance of the Conventions' norms, condemn violations of these norms and take appropriate steps to end the use, stockpiling, production and transfer of anti-personnel mines by any actor, including by armed non-State actors.

Action 3: The States Parties will coordinate their actions to promote the Convention, including actions taken at a high level and through bilateral contacts and in multilateral *fora*.

Action 4: Recalling that in Maputo in 1999, the States Parties formally declared that "as a community dedicated to seeing an end to the use of anti-personnel mines, our assistance and cooperation will flow primarily to those who have foresworn the use of these weapons forever through adherence to and implementation of the Convention," State Parties in promoting the Convention will communicate that they will give specific consideration to those States that have committed to these principles, when considering giving assistance to States not party to the Convention, taking into account that each country will provide assistance on the basis of its own priorities and principles.

II. Stockpile destruction

4. The elimination of all stockpiled anti-personnel mines will contribute greatly to preventing additional suffering and casualties caused by these weapons. With a view to overcoming persistent challenges to achieving this aim as soon as possible and preventing additional challenges and new cases of non-compliance, the States Parties commit to the following:

Action 5: Each State Party that is non-compliant with the Convention in having missed its deadline for destroying its stockpiled anti-personnel mines will provide to the States Parties, through the President, by 31 December 2014, a plan to destroy or ensure the destruction of all stockpiled anti-personnel mines under its control or jurisdiction as soon as possible, and thereafter keep the States Parties apprised of efforts to implement its plan through annual transparency reports and other means.

Action 6: Each State Party in the process of destroying its stockpiled anti-personnel mines will regularly communicate to the States Parties, through annual transparency reports and other means, plans to fulfil its obligations, reporting progress and highlighting at the earliest possible stage any issues of concern.

Action 7: Each State Party will, when previously unknown stockpiles are discovered after stockpile destruction deadlines have passed, inform the States Parties as soon as possible, report pertinent information as required by the Convention, and destroy these anti-personnel mines as a matter of urgent priority and no later than six months after the report of their discovery.

III. Mine clearance

5. While recognising the considerable progress of almost 30 States Parties having completed implementation of their mine clearance obligations, almost an equal number of States Parties are still in the process of meeting mine clearance deadlines, most of which

are extended deadlines. The methods and means of identifying, and then clearing or otherwise releasing areas known or suspected to contain mines in the most efficient manner have evolved greatly and are largely well known. In order to achieve completion by all States Parties as soon as possible and no later than by their respective clearance deadlines, States Parties commit to the following:

Action 8: Each State Party with ongoing mine clearance obligations will as soon as possible, if it has not yet done so, undertake all reasonable efforts to quantify and qualify its remaining implementation challenge including by identifying the precise perimeters and locations, to the extent possible, of all areas under its jurisdiction or control in which anti-personnel mines are known or are suspected to be emplaced, report this information as required by the Convention no later than by 30 April 2015, and incorporate this information into national demining plans and relevant broader development and reconstruction plans.

Action 9: Each State Party with ongoing mine clearance obligations will as soon as possible ensure that all available methods and means for the full and expedient implementation of this aspect of the Convention are applied with greater intensity and, as relevant, by developing and implementing applicable national standards, policies and procedures in line with the United Nations' International Mine Action Standards for releasing land through technical and non-technical means and that are evidence-based, accountable and acceptable to local communities, including through the involvement of women and men in the process.[1]

Action 10: Each State Party that has reported mined areas under their jurisdiction or control will provide mine risk reduction and education programmes, as part of broader risk assessment and reduction activities targeting the most at-risk populations, which are age-appropriate and gender-sensitive, coherent with applicable national and international standards, tailored to the needs of mine-affected communities and integrated into ongoing mine action activities, in particular data gathering, clearance and victim assistance as appropriate.

Action 11: All States Parties will ensure that high quality requests for extended mine clearance deadlines continue to be submitted, that high quality analyses of these requests continue to be prepared, that a cooperative engagement of Article 5 implementing States Parties continues after requests have been granted by applying the recommendations endorsed by the Twelfth Meeting of the States Parties as contained in the paper "Reflections on the Article 5 extension process."[2]

IV. Victim assistance

6. States Parties are committed to the full and effective participation of mine victims in society on an equal basis to others. The actions taken under this Convention to fulfil its solemn promise to mine victims remain important. Engagement is other domains is also necessary given the States Parties' understanding that victim assistance should be integrated into broader national policies, plans and legal frameworks related to disability, health, education, employment, development and poverty reduction. This and other aspects reaffirmed or agreed to the Cartagena Action Plan remain valid and should be acted upon. In this context and with a view to addressing victim assistance with the equal precision and intensity as other aims of the Convention, the States Parties commit to the following:

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[1] Recommendations on applying all available methods for the full and expedient implementation of Article 5 were endorsed by the Ninth Meeting of the States Parties.

[2] Document APLC/MSP.12/2012/4.

Action 12: Each State Party with victims, and particularly those responsible for the well-being of significant numbers of mine victims, in a manner that takes into account gender- and age-disaggregated data, will reinforce its efforts and do its utmost to assess the needs of mine victims, the availability and gaps in services and support, and existing or new requirements for disability, health, education, employment, development and poverty reduction plans needed to meet the needs of mine victims.

Action 13: Based on its assessments, each State Party with victims, and particularly those responsible for the well-being of significant numbers of mine victims, will do its utmost to communicate to the States Parties, through the President, by 30 April 2015, time-bound and measurable objectives it seeks to achieve through the implementation of national policies, plans and legal frameworks during the period covered by this action that will contribute, in a tangible way, to the full and effective participation of mine victims in their respective societies on an equal basis to others, thereafter annually updating these objectives, monitoring the implementation of them, and reporting to the States Parties on progress in meeting them.

Action 14: Based on its assessments, each State Party with victims, and particularly those responsible for the well-being of significant numbers of mine victims, will do its utmost to communicate to the States Parties, through the President, by 30 April 2015, enhancements that have been made or will be made to disability, health, social welfare, education, employment, development and poverty reduction plans, policies and legal frameworks needed to meet the needs of mine victims, and on budgets allocated to implement these plans, thereafter annually communicating efforts to implement these plans, policies and legal frameworks and their enhancements.

Action 15: Each State Party with victims, and particularly those responsible for the well-being of significant numbers of mine victims, taking into account its own local, national and regional circumstances, will reinforce its efforts and do its utmost to strengthen local capacities, enhance coordination with subnational entities as relevant and appropriate, and increase availability of and accessibility to appropriate comprehensive rehabilitation services, economic inclusion opportunities and social protection measures for female and male mine victims, including girls and boys, by removing physical, social, cultural, economic, political and other barriers, including by expanding quality services in rural and remote areas and paying particular attention to vulnerable groups.

Action 16: Each State Party with victims, and particularly those responsible for the well-being of significant numbers of mine victims, will reinforce its efforts and do its utmost to ensure the inclusion and full and active participation of mine victims and their representative organisations in all matters that affect them, particularly as concerns national action plans, legal frameworks, policies, implementation mechanisms, monitoring and evaluation.

Action 17: All States Parties will seize every opportunity to raise awareness of the imperative to address the needs and guarantee the rights of mine victims, including by engaging in the work of international, regional and national human rights, health care, labour and other *fora*, instruments and domains.

Action 18: Each State Party with victims, and particularly those responsible for the well-being of significant numbers of mine victims, will do its utmost to report in advance of the next Review Conference on measurable improvements made in the well-being and the guarantee of the rights of mine victims, challenges that remain and priorities for assistance as relevant.

V. International cooperation and assistance

7. While each State Party is responsible for implementing the Convention in areas under its jurisdiction or control, the Convention's shared goals can be advanced through enhanced cooperation. With a view to significantly improving cooperation between those seeking assistance and those in a position to provide assistance, States Parties commit to the following:

Action 19: Each State Party seeking assistance will demonstrate high-level national ownership in fulfilling Convention obligations, including by: maintaining interest at a high level in fulfilling Convention obligations; empowering and providing relevant State entities with the human, financial and material capacity to carry out their obligations under the Convention; articulating the measures its State entities will undertake towards implementing relevant aspects of Convention in the most efficient and expedient manner possible and plans to overcome any challenges that need to be addressed; and making a regular significant national financial commitment to the State's programmes to implement the Convention.

Action 20: All States Parties in a position to do so will effectively use all possible avenues to support States Parties seeking to receive assistance in mine clearance, mine risk education, stockpile destruction, adopting appropriate national implementation measures, and meeting the needs and guaranteeing the rights of mine victims, including, as concerns victim assistance, by providing targeted assistance and supporting broader efforts to enhance frameworks related to disability, health, education, employment, development and poverty reduction.

Action 21: States Parties in a position to provide assistance and those seeking to receive assistance, where relevant and to the extent possible, will enter into partnerships for completion, with partners specifying their responsibilities to each other, articulating time-bound objectives and targets, making multi-year financial or other commitments, and engaging regularly in a dialogue on progress and challenges in meeting goals.

Action 22: States Parties in a position to provide assistance will take into account a State's adherence to Convention in deciding whether to provide assistance, with allowances made for exceptional circumstances, humanitarian need and progress towards accession and implementation.

Action 23: All States Parties will develop and promote bilateral, regional and international cooperation, including through South-South cooperation and by sharing national experiences and good practices, resources, technology and expertise to implement the Convention.

VI. Transparency and the exchange of information

8. The States Parties recognise that transparency and the open exchange of information, through both formal mechanisms under the Convention and other informal means, are essential to ending the era of anti-personnel mines. The States Parties also recognise that dialogue informed by accurate and high quality information can support cooperation and assistance and accelerate the Convention's implementation. To this end, in addition to commitments to transparency found elsewhere in this action plan, the States Parties commit to the following:

Action 24: All States Parties will provide high quality and updated information annually as required by the Convention and provide additional information in a voluntary manner.

Action 25: The States Parties will draw on information provided as required and on a voluntary basis to engage in cooperative dialogue with a view to enhancing cooperation and assistance efforts and the overall implementation of the Convention.

Action 26: Each State Party that has retained anti-personnel mines for reasons permitted by the Convention will regularly review the number of anti-personnel mines retained to ensure that they constitute the minimum number absolutely necessary for permitted purposes, destroy all those exceeding that number, where appropriate explore available alternatives to using live anti-personnel mines for training and research activities, and annually report on the plans for and actual use of anti-personnel mines retained, explaining any increase or decrease in the number of retained anti-personnel mines.

VII. Measures to ensure compliance

9. During the period 2014-2019, States Parties will continue to be guided by the knowledge that collective cooperation will help facilitate and assist each State Party's ongoing compliance with the Convention. To this end, States Parties commit to the following:

Action 27: In case of alleged or known non-compliance with the Convention's prohibitions, the State Party concerned will provide information on the situation to all States Parties in the most expeditious, comprehensive and transparent manner possible and work together with other States Parties in a spirit of cooperation to resolve the matter in an expeditious and effective manner.

Action 28: Each State Party that has not yet done so, will, by [...], take all appropriate legal, administrative and other measures to prevent and suppress any activity that is prohibited the Convention undertaken by persons or on territory under its jurisdiction or control, reporting on such measures as required by the Convention and thereafter informing the States Parties of the use of such measures to respond to cases of alleged or known non-compliance with the Convention's prohibitions.

VIII. Implementation support

10. The States Parties have developed innovative mechanisms to assist them in the pursuit of their aims and they have shown great flexibility in making adjustments to this machinery to ensure that it matches evolving needs. The States Parties have made it clear that they retain full ownership over the mechanisms they have established, including by remaining committed to oversee and finance this machinery. To this end, the States Parties commit to the following:

Action 29: All States Parties will adequately share the burden of the costs of the implementation machinery that they have established.

Action 30: States Parties will make use of synergies with other relevant instruments of international humanitarian and human rights law with a view to enhancing implementation of the Convention, streamlining the Convention's work and using resources as efficiently as possible.